

137. Please see the references at p.p.1-107 c.f. and further note of the department at paras 1 to 17 n.f. and letter received from the Commissioner Endowments Department, A.P., Hyderabad at pages 119 to 121 c.f.

138. The CED., has reported that Sri Bhavanarayana Swamy Temple, Sarpavaram (V), Kakinada Rural was published under section 6 (b) (ii) of the Act, 30/87 and it is under the administrative control of the Deputy Commissioner, Endowments Department, Kakinada. The subject institution is possessing an extent of Ac.5.65 ½ Cents dry land in A.Vizianagaram (V), Gollaprolu (M), E.G.District. This land was gifted by Sri Vadlamani Naasaiah S/o Subbarayudu to the temple for Dhoopa Deepa Naivedyam purpose through Document No. 1426.1930. It is reported that the above land is under the possession of Sri E.Balabadra Raju from 1970 on payment of rent of Rs. 350/- per year for the entire extent of Ac.5.65 ½ Cents with periodical enhancement of the rents from time to time. He was not granted any lease by the competent authority. He has been cultivating it un-authorized and paying the damages. It was also reported by the Deputy Commissioner that the claimant is not actually cultivating the land and it was given to other for sub-lease. The land is said to be cultivated with paddy and onion crops. Till 2000, they were paying only Rs. 50/- and below as annual rent/damages During 2006-2007, they paid annual rent of Rs. 9,000/- and 10,000/- respectively. As there was no valid lease, the Deputy Commissioner, Endowments Department, Kakinada has directed the Manager of the subject temple to lease out the land in public auction as per rules vide G.O.Ms.No. 379, Revenue (Endts.) Department dated: 11.3.2003, for the year 2007-2008. Accordingly, the Manager put the land in public auction by duly following the procedure on 5.7.2007 and achieved Rs. 18,000/- per year towards rent from the highest bidder Sri Bodu Guravaiah.

The Deputy Commissioner has also stated that he has received complaints that the did not secured in the public auction is very low an hence he has not confirmed the auction and directed the Manager to put the said land once against in Public Action. The Manager has proposed to lease out the land on public auction on 5.8.2007 at Gram Panchayat

Office. A.Vizianagaram. The Deputy Commissioner also reported that the Manager stated that Ms.Y.V.S.Indira Devi has called him on phone by scolding him and also threatened him for attempting to murder during his visit to the village on 27.7.2007. It was also reported that the followers of Ms.Indira Devi by name Sri Siruvuri Satyanarayana Raju alias Abhaya Raju S/o Appala Raju Sri E. Appala Raju S/o Peda Janaki Raju and Sri Epuri Ganga Raju have entered into the land by force and ploughed the land with international tractor. Hence, the Manager has lodged a police complaint at Gollaprolu Police Station against the encroachers and it is pending Copy of the report of the Deputy Commissioner Endts. Dept. Kakinada may be perused at p.p 123 -125 c.f.

139. At this stage, Ms.Y.V.S.Indira Devi filed a representation before the Commissioner on 3.8.2007 and the Commissioner directed the Deputy Commissioner to postpone the public auction scheduled on 6.8.2007 till further orders.

140. The Chairman of the Trust Board of the subject temple Sri Pulla Sriramulu has also filed a representation narrating the facts and requested to allow the temple to lease out the lands to get reasonable rent in the interest of the temple.

141. The Commissioner issued notice to Sri Y. Balabadra Raju and also the Asst. Commissioner Endowments Department, Rajahmundry and the Manager of the subject temple to appear before the Commissioner on 10.9.2007 with connected records or enquiry. Accordingly, the Chairman of the Temple Manager and Kum. Y.V.S.Indira Devi on behalf of Sri Y. Balabadra Raju appeared. The Commissioner heard all the above persons, perused at connected records and issued orders rejecting the plea of the applicant.

142. It is brought to the notice of the Government that there has been a drive to put all the temple lands which are under possession of big farmers in public auction to get reasonable lease amounts and in the interest of the institutions as per provisions of the Section 82 and also the rules framed for lease of agricultural lands. In this instant case, the petitioner has been enjoying Ac.5.65 1/2 Cts, for a long time, even after the introduction of the Act, 30/87 . As per Section 82 all lease held by other than small and marginal farmers stands cancelled from the date of the Act, 30/87. Somehow, the Petitioner has continued in possession and cultivation of the land and more so, as a Government employee. The issue is whether he is a small farmer as per the definition given under lease rules. As he has been cultivating more than 5 acres of dry land he cannot be treated as small farmer. Hence, the land was put to public auction as peruse. There are hundreds of cases like this and unless the rules are implemented in true letter and spirit, it will not be possible to safeguard the interests of the institutions. In this particular case, there are no special grounds to extend the lease or grant fresh lease. Therefore, the Government I requested by the Commissioner Endowments to vacate the stay orders and dismiss the operation.

143. The case has been taken for hearing under section 93 by the former Principal Secy.

144. After given the notices to the petitioner & Respondents in the said case the Hearing was held on 18.3.2008 at 11.00 A.M. in the Chambers of Endowments former Principal Secy. Endowments Department and after hearing the petitioner and respondents claims he passed the orders follows:

145. This is an appeal filed by Sri Y. Balabhadra Raju against the orders of the Commissioner in D.Dis No. L2/25661/2007, dated: 18-9-2007. The grievances of the petitioner are basically two fold; one that

the auction conducted on 5-7-2007 was not properly conducted, that there was no prior intimation and secondly that he and his forefathers have been cultivating land from 1931 onwards and so he deserves to be given some preferential treatment.

146. I have heard the appellant and perused the connected records and I find that the family of Sri Balabhadra Raju has been cultivating the said land right from 1931. Even though they have been cultivating the land, they have no formal lease agreement and there was no valid lease. The temple has been collecting annual damages every year. It is on records that these amounts have been regularly paid by Sri Balabhadra Raju as demanded by the temple authorities. During the year 2006-07, the paid annual damages of Rs. 10,000/- These lands were put to auction on 5-7-2007 and Sri Guruvaiah become the highest bidder with a bid of Rs. 18,000/-pe year.

147. There seems to be no infirmity in conducting this auction though the time given after auction notice seems a little short. However, the main contention of the petitioner is that he ought to be given a special dispensation an preference in renewing the leas because his forefathers have been cultivating the land for more than 70 years.

148. The law however does not provide for any such special dispensation unless the person cultivating the land is a landless poor person. In this case the appellant is in possession of 5 Acres 65 cents of land which is 15 cents more than the prescribed ceiling. So, technically he does not qualify as a landless poor person as per Section 82 of Act 30/1987. The appellant, however, has now come forward to relinquish 1 Acre of land in Sy.No. 486 an cultivate only 4 Aces 65 cents in order to come within the ceiling. In view of the fact that his forefathers and he have been paying the lease amounts

regularly, we may consider this as a special case an lease out 4 Acres 65 cents at the same rate as has been determined for similar land belonging to the temple through public auction. This would ensure that the temple also doesn't lose any income that it should get. The CED may work out a suitable arrangement on these lines.

149. With the above information the file may be circulated to M(Endowments) for orders whether the order passed by former Principal Secy. may now be issued.

**Government of Andhra Pradesh**  
**ABSTRACT**

**Endowments Department** - Lease of lands - East Godavari District - Lands belonging to Sri Bhavannarayana Swamy Temple, Sarpavaram (V), Kakinada Rural - Leasing of land Acres 4.65 cents to Sri Balabhadra Raju, for cultivation -Orders - Issued.

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Revenue (Endowments.IV) Department

G.O.Ms.No.

Dated:

Read the

following:-

- 1)Representation dt. 3.7.2007 from Sri E.Balabhadra Raju,  
addressed to Commissioner Endowments Dept.,  
Hyderabad.
- 1) From the Asst. Commissioner of Endowments Department,  
Rajahmundry Lr.in R.No.A3/7812/2007, dt. 14.9.2007
- 2) From the Commissioner Endowments Department,  
HYd.  
Lr.No.L2/42312/2007, dated: 11.1.2008.
- 3) Repn. from Sri Balabhadra Raju, dated: 28.1.2008.

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**ORDER:**

This is an appeal filed by Sri Y. Balabhadra Raju against the orders of the Commissioner in D.Dis. No.L2/25661/2007, dated: 18.9.2007. The grievances of the petitioner are basically two fold: one that the auction conducted on 5-7-2007 was not properly conducted, that there was no prior intimation and secondly that he and his forefather have been cultivating the land from 1931 onwards and so he deserves to be given some preferential treatment.

2. Government have heard the appellant and perused the connected records and Government find that the family of Sri Balabhadra Raju has been cultivating the said land right from 1931. Even though they have been cultivating the land, they have no formal lease agreement and there was no valid lease. The temple has been collecting annual damages every year. It is on record that these amounts have been regularly paid by Sri Balabhadra Raju as demanded by the temple authorities. During the year 2006-07, he paid annual damages of Rs. 10,000/-. These lands were put to auction on 5-7-2007 and Sri Guruvaiah become the highest bidder with a bid of Rs. 18,000/- per year.

3. There seems to be no infirmity in conducting this auction though the time given after auction notice seems a little short. However, the main contention of the petitioner is that he ought to be given a special dispensation and preference in renewing the lease because his forefathers have been cultivating the land for more than 70 years.

4. The law however does not provide for any such special dispensation unless the person cultivating the land is a landless poor

person. In this case, the appellant is in possession of 5 Acres 65 cents of land which is 15 cents more than the prescribed ceiling. So, technically he does not qualify as a landless poor person as per Section 82 of Act 30/1987. The appellant, however, has now come forward to relinquish 1 Acre of land in Sy.No. 486 and cultivate only 4 Acres 65 cents in order to come within the ceiling . In view of the fact that his forefathers and he have been in continuous possession of this land and have been paying lease amounts regularly, Government considered this as a special case and lease out 4 Acres 65 cents at the same rate as has been determined for similar lands belonging to the temple through public auction. This would ensure that the temple also doesn't lose any income that it should get.

contd.2

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5. The Commissioner Endowments Department, Hyderabad shall workout a suitable arrangement on these lines and take necessary action.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA  
PRADESH)

**G.SUDHIR,**  
**Principal Secretary to Government**

To  
The Commissioner,  
Endowments Department, Hyderabad.  
The Assistant Commissioner,  
Endowments Department,  
Rajahmundry, Kakinada East Godavari District.  
The Executive Officer,  
Sri Bhavannarayana Swamy Temple,  
Sarpavaram (V), Kakinada Rural  
East Godavari District  
Copy to Sf/sc



Rev. (E.IV) Department

With the above remarks the ile may be returned to